DOCUMENT RESUME

ED 235 569 EA 016 129

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TITLE	Education and Federalism: Doctrinal, Functional, and Strategic Views.
INSTITUTION	Stanford Univ., Calif. Inst. for Research on Educational Finance and Governance.
SPONS AGENCY	National Inst. of Education (ED), Washington, DC.
REPORT NO	IFG-PR-83-A13
PUB DATE	May 83
GRANT	OB-NIE-G-80-0111
NOTE	40p.; Paper prepared for the IFG Seminar on Law and Education (July 1981).
PUB TYPE	Viewpoints (120) -- Information Analyses (070)
EDRS PRICE	MF01/PC02 Plus Postage.
DESCRIPTORS	Block Grants; Constitutional History; Educational Finance; *Educational Policy; Elementary Secondary Education; Federal Aid; *Federal Government; Federal Regulation; Federal State Relationship; *Government Role; *Government School Relationship; Political Power; *Politics of Education; Public Education
IDENTIFIERS	*Federalism; Intergovernmental Relations

ABSTRACT

A number of basic questions exist about the nature of the federal system, about the role education plays in that system, and about how that role should be expressed in policy. This paper examines the doctrinal, functional, and strategic meanings of the term "federalism." The author argues, first, that there is no doctrinal support for the notion that education is exclusively a state function, or that the federal government has overreached its authority by becoming involved in education. The federal structure has divided and dispersed power, precisely what it was designed to do. Secondly, functional interdependence is the central fact of federal-state-local relations in education and occurred because interdependence was necessary in order to ensure that federal purposes were carried out and that the purposes of state and local government would be taken into account by the federal government. Thirdly, the past errors of federal education policy have been errors of strategy, not errors of doctrine. Strategy errors include allowing the number of categorical programs to increase, allowing the rules and restrictions accompanying them to multiply, and allowing an adversarial relationship to develop between levels of government. (Author/MLF)

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Institute for Research on Educational Finance and Governance

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Project Report No. 83-A13

EDUCATION AND FEDERALISM: DOCTRINAL, FUNCTIONAL, AND STRATEGIC VIEWS

Richard F. Elmore

May 1983

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This paper was prepared for the IFG Seminar on Law and Education, The research for this report was supported by funds from the National Institute of Education (Grant No. OB-NIE-G-80-0111). The analyses and conclusions do not necessarily reflect the views or policies of this organization.

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Abstract

Is there a federal role in education? On the one hand, critics argue that the federal government has by a steady accumulation of policies usurped a traditional state function and that function should now be returned to the states. On the other hand, supporters of past federal educational interventions acknowledge that the federal government has, in some respects, overreached itself and has demonstrated by its ineptitude that it cannot play as large a role as they once thought. The purpose of this paper is to clarify, in some degree, alternative meanings of the term "federalism."

Briefly, my argument is: that there is no doctrinal support for the notion that education is exclusively a state function, or that the federal government has over-reached its authority by becoming involved in education; that functional interdependence is the central fact of federal-state-local relations in education, even though it raises serious doctrinal questions; and, that the past errors of federal education policy have been errors of strategy, not errors of doctrine.

Acknowledgment

Special thanks are due to David Cohen, Brewster Denny, and David Kirp for comments on an earlier draft.

> Since the people, being numerous, cannot directly manage their affairs, but must commit them to agents, they have resolved to prevent abuse by trusting each agent as little as possible.... There is no reliance on ethical forces to help the government work.... The aim of the Constitution seems to be not so much to attain great common ends by securing a good government, as to avert the evils which flow, not merely from bad government, but from any government strong enough to threaten the pre-existing communities of the individual citizens.
>
> —Lord Bryce, The American Commonwealth

> By and large, the decision of the American people has not been to separate functions by government but to maintain dual institutions which share responsibility for implementation of specific functions.
>
> --Daniel Elazar, "Federal-State Collaboration in the Nineteenth-Century United States"

A large-scale reaction is underway toward federal involvement in education. The question has been posed quite bluntly, both by advocates of the "new federalism" and by more sympathetic observers of federal education policy over the past decade: Is there a federal role in education? On the one hand, critics argue that the federal government has by a steady accumulation of policies usurped a traditional state function and that function should now be returned to the the states. On the other hand, supporters of past federal educational interventions acknowledge that the federal government has, in some respects, overreached itself and has demonstrated by its ineptitude that it cannot play as large a role as they once thought. Both sides express

skepticism or uncertainty about the federal role, questioning the assumptions that have shaped federal policy over the last fifteen to twenty years.

Underlying this skepticism and uncertainty are a number of basic questions about the nature of the federal system, about the role that education plays in that system, and about how that role should be expressed in policy. The purpose of this paper is to clarify, in some degree, the terms of the debate on these questions by examining alternative meanings of the term "federalism." Federalism, I will argue, can mean at least three different things. It can mean a set of principles describing how levels of government ought to relate to each other, it can mean a set of functional relationships describing how levels of government actually do relate to each other, or it can mean the strategy that one level of government uses to influence another. I will call these, respectively, doctrinal, functional, and strategic views of federalism.

Political disputes among levels of government are often argued using all three meanings, without distinguishing among them. Politicians frequently assert that one level of government-- states, for example-- ought to exercise supremacy in a governmental function-- education, for example-- but day-to-day operating relationships among levels of government suggest a high degree of interdependency. Which definition of federalism should hold: the doctrinal assertion that states are supreme or the functional assertion that states and the federal government are interdependent? Scholars and political figures often argue that the functions of government should be rationalized according to certain well-defined principles (a doctrinal assertion), when in fact the failure to rationalize functions allows one level of government to exercise influence over another through the use of shared functions (a strategic assertion). Which definition should hold: the doctrinal assertion that different levels of government should excercise different functions or the strategic

assertion that intergovernmental influence requires shared funtions? Different views of federalism, in other words, imply different results; mixing definitions without acknowledging this possibility confuses the debate.

Another source of confusion stems from the failure to distinguish national issues and trends from federal policy and practice. Policy at all levels of government is subject to national influences— shifts in political ideology, professional and political networks that extend across jurisdictional boundaries, large-scale demographic and economic changes, for example. Sometimes these influences translate directly into national policy, sometimes they don't. Occasionally, they affect state and local policy first and later percolate up to the national level. Sometimes federal policy effectively preempts state and local authority; sometimes it leaves state and local authority in place and adds an incremental federal requirement to it. Just because an issue has national consequences, or a national political constituency, doesn't mean that it must be the subject for federal policy. Likewise, just because an issue has traditionally been the prerogative of state and local government doesn't mean that it can never be the subject of federal policy. In other words, the "national" questions and "federal" policy are always distinct, and their relationship is usually ambiguous.

Education presents a particularly difficult array of questions on the meaning of federalism and on the relationship between between national issues and federal policy. Education has been the subject of national policy since before the drafting of the Constitution, yet we still persist in raising the question of whether there is a legitimate federal role in the field. A steady growth in functional interdependency among levels of government in education has done little to soften the doctrinal assertion that education is primarily, or purely, a state prerogative. National movements-- from the one in the

nineteenth century that spread the common school to the one in the twentieth century that fostered racial equality— have done a substantial amount to make education more uniform nationwide, but little to reduce distrust of federal policy. In other words, while policy and practice reflect a strong national interest in education, they also manifest a deep ambivalence toward a federal role. This is the essential contradiction of federal education policy.

Is it possible to make sense of the federal role in education, given this contradiction? Can one say with any assurance what the federal role is or is not? It is possible, I will argue, at least to define what federalism means for education in doctrinal, functional, and strategic terms; doing so adds clarity to the debate, even if it doesn't prescribe what federal policy ought to say in every instance.

Briefly, my argument is, first, that there is no doctrinal support for the notion that education is exclusively a state function, or that the federal government has over-reached its authority by becoming involved in education; second, that functional interdependence is the central fact of federal-state-local relations in education, even though it raises serious doctrinal questions; and, third, that the past errors of federal education policy have been errors of strategy, not errors of doctrine.

While the federal government may have overextended itself in certain key areas, it has not violated any constitutional principles by becoming involved in education. It follows that the remedies required for past errors of federal policy are strategic remedies, not a fundamental redefinition of the federal role in education. Partisans of the "new federalism" assert at the doctrinal level that education is uniquely a state function, without accounting either for the important functional interdependencies that have grown up among levels of government or for the national interest in education. Likewise, partisans of a strong federal role in education have tended, without much

analytic support, to equate the national interest with the necessity for federal intervention, leaving no way to ration scarce federal resources toward important federal objectives. Neither side of the current debate has disentangled the doctrinal, functional, and strategic questions that precede a definition of the federal role.

Federalism: The Doctrinal View

From a doctrinal standpoint, federalism is the set of principles describing how levels of government ought to relate to one another. In the current debate over federal education policy, the central question is whether, within the framework of the Constitution, the federal government has violated principles of federalism by becoming involved in education. If it has, what is the remedy? If it has not, how do the principles of federalism define the federal role in education?

One answer is proposed by advocates of the "new federalism." The federal government has, they argue, undermined the essential principles of federalism by intervening in a wide variety of policy areas where it has no authority. The solution is "reshuffling the division of responsibilities between the federal and state governments and ... changing the political ground rules between the two levels of government." (Barfield 1981: 61) The motivation for this reshuffling comes from (1) "a desire to restore the constitutional balance between the federal government and state and local governments," (2) "a need to reduce the growing number of federal categorical grants," (3) "a belief that state and local governments are more responsive to the needs of both benefit recipients and taxpayers," and (4) "a recognition that dividing responsibility for a program between the federal government and other levels of governments results in neither being responsible." (OMB 1982a: 18) These

notions of "restoring" balance, "reducing" complexity, "returning" functions to more responsive levels of government, and "unifying" responsibility all lead to the conclusion that federalism requires a clear division of labor among levels of government.

Under the "new federalism," an issue becomes a subject for federal policy only when it cannot be efficiently performed by lower levels of government. (Barfield 1981: 23-24) Education is an especially suspect federal activity because of its tradition of state and local control and because the federal government's fiscal contribution is relatively small.

The vehicle for reshuffling responsibilities among levels of government in the short run is block grants coupled with reductions in federal expenditures. Block grants are designed to simplify federal programs and to locate political responsibility for allocation decisions at lower levels. Expenditure reductions are designed not only to trim the federal budget but also to reduce state and local dependence on federal revenues. These measures are, however, "only an intermediate step" in a more ambitious strategy that entails "turning back to local and state governments ... the tax sources [that] have been preempted at the federal level." (Quoting Ronald Regan, Ibid.: 61-62) Turning back revenue sources presumably also means turning back decisions about how, and at what level, the domestic functions of government will be performed.

The federal system that emerges from this doctrine is one in which levels of government specialize by function, rather like the "layer cake" model of federalism that is sometimes used to characterize earlier periods of the American federal system. (Grodzins 1967: 257) The federal government specializes in truly general and national functions— defense and the regulation of interstate trade, for example-- while states and localities specialize in functions requiring adaptation to regional and local circumstances. The

division of labor among levels of government must be clean, the argument goes, or higher levels of government begin usurping the authority of lower levels. Sharing authority across levels of government creates a nightmare of "administrative failures, red tape, poor performance, inadequate results, excessive costs and waste, and lack of control and responsiveness." (Barfield 1981: 11)

The rationale for a strict division of labor among levels of government, then, is both political and economic. Charging each level of government with a clear list of responsibilities means that each is limited by the authority expressly granted to it, and that decisions about the domestic functions of government are lodged with those units "closest" to the people. This division of responsibilities also results in an approximation to the laws of comparative advantage, lodging functions at the level of government where they are "most efficiently" performed. "Closest" and "most efficiently" are values to which we will return in a moment.

Finally, the "new federalism" comes equipped with a theory of the formation of the Union which asserts that, "The federal government did not create the states," but "the states created the federal government." (Reagan 1981: 2) This theory is historically incorrect, as we shall see in a moment, but it is significant nonetheless because it suggests that the federal government's authority derives from the states, and hence that the federal government is obliged to defer to states in matters of domestic policy.

The clearest rebuttal to this view of federalism was expressed by the drafters of the Constitution. In fact, the current debate over the authority of the federal government relative to the states was anticipated, and resolved in important ways, by the drafting and ratification of the Constitution. The federalists-- advocates of a strong central government-- took the position in constitutional debates that "the supreme power" to make and dismantle govern-

ments "resides with the people;" they "can delegate it in such proportions, to such bodies, on such terms, and such limitations as they think proper." (Wood 1969: 530) The anti-federalists— opponents of a strong central government— granted that "a more efficient federal government was needed," but refused to concede that it should be constituted by the people, because they felt it should be "in principle ... subordinate to the states." (Storing 1981: 15)

The federalists prevailed. Anti-federalist Patrick Henry conceded as much when he argued in the ratification debate that the "question turns on that poor little thing— the expression, We the people, instead of the states of America." (Ibid.: 526, emph. orig.) Lying behind the federalist position was a stark fact of political life learned the hard way under the Articles of Confederation: A government without its own electoral base, and consequently without the authority to reach citizens directly with its actions, is a government at the mercy of rival political units. If the federal government was a government of states, rather than of people, then its authority could be undermined by any assertion of state power, no matter what the consequence for the nation as a whole. "The great and radical vice" of the Articles of Confederation, according to federalist Alexander Hamilton, was "the principle of legislation for the States in their corporate or collective capacities." (Federalist #15) The federal government is not, in other words, a creature of the states. Instead, "The federal and state governments are in fact but different agents and trustees of the people, constituted with different powers, and designed for different purposes," as James Madison argued. (Federalist #46)

This basic principle— that the federal government derives its authority directly from the people, rather than from the states— contains the essential resolution of what the federal government is authorized to do. As Samuel Beer has put it, the federalists sought by establishing this principle

in the Constitution "to produce ... a scheme by which [the] nation would act not only as the constituent power, but also as the continuous controlling and directing influence in the political life of the new polity." (Beer 1978: 12)

The nationalism of the federalists was, however, tempered by a deep distrust of any concentration of political power. They held a radically skeptical view of human nature, which led them to the conclusion that control over the instruments of power should be "divided and balanced" so that "power could be made to check power ... for the common good." (Ibid.: 12-13) One source of worry to the federalists was "faction," or combinations of individuals pursuing their self interest. (Federalist #10) The new Constitution was deliberately designed to counteract the negative effects of faction by playing the interests of one level of government off against those another. The national government, "thanks to the greater differentiation that goes with larger scale," would reflect the "social pluralism" of the nation as a whole and "counteract tendencies toward factional abuse of power in subordinate governments." States, on the other hand, would reflect "territorial pluralism" and "constitute a safeguard against encroachments by the general government." (Beer 1978: 13-14) Or, as Hamilton argued, "Power being always the rival of power, the general government will ... stand ready to check the usurpations of the state governments, and these will have the same disposition towards the general government." The critical actors in this scheme would be the people, who, "by throwing themselves into either scale," would respond to the usurpations of one government by using "the other as the instrument of redress." (Federalist #28)

The federal system works the way it does because it was designed to be a representational system, a system for aggregating political demands in a way that prevents concentrations of political power. (Beer 1978: 9, 15-19)

Neither federal nor state government has a claim to being "closer" to the people, since both take their authority directly from the people.

Furthermore, if the federal system is designed to work as a representational system, then it should not be evaluated primarily by how efficiently it works as a production system. In policymaking and administration, representative federalism means "coordinate authority." (Wheare 1964: 2; Riker 1964: 5-6, 11) Coordinate means that while "the central government's functions cannot be assumed by [state] governments, or the [state] governments' by the central, ... the extent of these powers is strictly limited by the simultaneous existence of comparable, though never identical powers in the other unit." (Livingston 1952: 81) If functions of government are neatly divided by levels, with no overlap or complementarity, then no level of government has a legitimate claim to check the other's exercise of power. On the other hand, if powers and functions are distributed so as to give each level "comparable, though never identical, powers," then one level is constantly vigilant about the other's exercise of power. Automony, under representative federalism, means not that one level of government exercises sole ownership of those functions of government in which it holds a comparative advantage, but rather that one level of government may refuse to grant the other exclusive ownership of a function, even though it may concede a comparative advantage in day-to-day administration. Of all the funtions of government, only those dealing with foreign affairs and defense can be said to be nearly the monopoly of one level of government, probably because they are instrumental to the survival of government itself. (Riker 1964) In all other funtions, a level of government is "autonomous" up to the point where its exercise of authority encroaches on another's domain; at that point, some device must negotiated for the exercise of "coordinate" authority.

The overlap and inefficiency of contemporary American federalism did not come about, then, by inadvertence or by lack of attention to the "true" principles of federalism. These attributes were designed into the system. To the degree that it works effectively, federalism invites jurisdictional conflict. It does so by dividing the same electoral base in two different ways, which encourages people to use one level of government to redress the shortcomings of another. Those attributes of intergovernmental relations that trouble advocates of the "new federalism" are precisely the ones that are most consistent with the basic principles of the Constitution.

For education, the significance of representative federalism is threefold. First, even if the federal government concedes a comparative advantage to states and localities in the finance and administration of education, nothing in the Constitution or the principles of federalism precludes federal involvement in the field. Indeed, a clear understanding of representative federalism would suggest that as education becomes a "national" enterprise, it will inevitably develop national constituencies that will apply pressure for federal policy. Whether, and in what way, the federal government should respond to these constituencies is a strategic question of how it can best use its limited resources, not a question of constitutional doctrine. Second, the fact that federal intervention provokes serious jurisdictional conflicts is not, by itself, sufficient reason for removing the federal government from education. In fact, the existence of these disputes is, to a degree, confirmation that the system is working as it was designed. In strategic terms, the federal government might benefit from a more prudent choice of jurisdictional disputes, but the absence of such disputes is not a sign that federal policy is working. Third, the argument that federal involvement in education produces unnecessary administrative burdens and diffusion of responsibility may be an important practical matter to be considered in the design of federal

policy, but it is not the most important doctrinal issue. No sphere of governmental responsibility is exempt, a priori, from federal involvement because that involvement results in administrative difficulties. The paramount question is whether the federal system works effectively as a representative mechanism; questions of administrative feasibility and economic efficiency are important, but secondary. The federal system was designed to generate and contain conflict; in that respect, it has worked remarkably well.

Notice, however, that representative federalism is perversely indifferent to prevailing ideological definitions of what constitutes "good" policy. Good policy is whatever electoral constituencies demand, not policy that is "just" or "efficient" by some external standard. Electoral consituencies demand different things at different times. Hence, representative federalism does not answer the question of what the federal or state government should do. It only answers the question of how power should be divided. Federalism is a means of distributing and controlling the use of political power, not a set of ends that describe good policy. As William Riker has cogently argued, the idea that federalism somehow uniquely guarantees freedom or governmental responsiveness is an "ideological fallacy" which can be proven "demonstrably false." (Riker 1964: 13-14; 139-145) Federal systems demonstrate no clear superiority over unitary systems either in guaranteeing individual rights or in providing access to governmental decisions. (Riker 1969: 139-142) Federalism, recall, provided the rationale both for the denial of civil rights to blacks in the South and for intervention by the federal government to enforce those rights. (cf. Riker 1964: 142-143, and Riker 1969: 146) Nothing inherent in federalism prevents its use for diametrically opposing goals. To say that federalism requires the federal government to pursue one set of political goals or another-- as advocates of all ideological persuasions are

prone to do-- is to misconstrue profoundly the meaning of federalism. Electoral preferences determine the goals of public policy; the federal system only defines the arena in which those ends will be argued out. Federalism is "nothing more in itself than an institutional device, which (like all such devices) may be used as means indifferent to ends, or as a means which promotes the wrong ends." (King 1973: 153)

In education, as in other policy areas, the federal structure has done precisely what it was designed to do. First and foremost, it has divided and dispersed power. Secondly, it has made the exercise of federal authority, and consequently the assertion of a federal interest in education, compatible with a high degree of social, political, and economic diversity at the state and local level.

Land grants, the major vehicle for support of education in the eighteenth and nineteenth centuries, were accompanied by strong assertions of the national interest in education. Daniel Webster said of the Northwest Ordinance of 1787 that he doubted "whether any ... single law ... has produced effects of more distinct and lasting character," and that "it set forth and declared it to be a high and binding duty of government to support schools and the means of education." (Tiedt 1966: 16) The combined land grants of the Ordinances of 1785 and 1787, the various statehood acts, and the Morrill Act of 1862 probably constitute the largest constant-dollar infusion of federal support for education in the history of the country. In addition to land grants, the national government engaged in a number of policies, like reimbursing states for expenses entailed in raising militias and assuming state debts, that had the effect of freeing state funds for educational purposes. (Elazar 1967: 195, 204-205) Because these mechanisms were indirect, latter-day analysts have tended to minimize their significance as expressions of a federal role in education. In fact, they contain at least two elements that have character-

ized the federal role in education continuously for over two hundred years: The first is promotion of education as a precondition of citizenship; the second is collaboration with states and localities.

Throughout these formative years, the federal government assiduously avoided establishing itself as the dominant presence in education. In 1870, Senator George Hoar of Massachusetts introduced a bill to "establish a national system of education, ... operated by the states in accordance with federal standards." The bill was a response to concern that "only one-fourth of the persons who are growing up to assume the function of citizens will be able to read and write." (ACIR 1981b: 14) It provoked violent opposition in Congress. As long as federal support remained collaborative and indirect, it was regarded as benign. When it threatened to become adversarial and direct, it was regarded as threatening. To many, "maintenance of local prerogatives loomed far larger than educational improvement; to [others], independence from federal control was essential to that improvement." (Ibid.: 16-17)

With the Smith-Hughes Act of 1917, the federal government entered the field of education in manner quite different from the indirect financing of earlier periods. A "potent and assiduous lobby" of educators, labor leaders, and business representatives combined to assert, for the first time, that the national interest required promotion of particular curricula— agriculture, industrial arts, and home economics— and that the federal government should provide financial support for those curricula. (Kaestle and Smith 1982: 8-9) The old elements of promotion and collaboration were still present; the new element was targeting of federal support on certain categories of curricula.

The dominant mode of federal support did not change fundamentally through the 1950s. The federal government continued to use indirect financing in the form of federal compensation for the financial effect of federal installations, "impact aid." Targeted support for curricula reappeared in 1958, with the passage of the National Defense Education Act of 1958 (NDEA), designed to stimulate instruction in math, science, and foreign languages. Senate Majority Leader Lyndon Johnson said of NDEA that it "asserted, more forcefully than at any time in nearly a century, a national interest in the quality of education that states, communities, and private institutions provide." (ACIR 1981b: 25, also 20-24)

The passage of the Elementary and Secondary Education Act of 1965 (ESEA) brought the final new element of federal education policy, targeting of federal support on certain populations of students. With the construction of the ESEA Title I formula, it became legitimate to identify the federal interest with classes of children defined by certain attributes-- low income, educational disadvantage, handicaps, language differences, etc. The programs were always hedged by explicit prohibitions against direct federal supervision of curriculum, administration, personnel, or instructional materials. (Ibid.: 33) But the fact remains that, from the mid-1960s, the federal role expanded to include an interest in children of certain types. The logical extension of this interest was the passage in 1975 of the Education for All Handicapped Children Act of 1975 (PL 94-142), which required states and localities to implement procedural guarantees for handicapped children and to provide funding for services to those children from state and local sources.

This gradual accretion of elements from the eighteenth century to the present means, in effect, that no issue of education finance or organization is immune from federal influence. At the same time, the federal government assiduously reinforces state and local control, always stopping far short of

assuming responsibility for the provision of public education.

Far from being an aberration of federalism, this ambiguity is entirely consistent with the model of representative federalism underlying the Constitution. There is no avoiding a national interest in education; citizenship and education are inextricable. The federal government, however, is ill-equipped to finance and organize education; nothing incites political hostility from states and localities like the appearance of federal tampering with the schools. The American solution has been to assert and reassert a national interest in education, using indirect, collaborative financing mechanisms and targeting of resources on curricula and on student populations, while at the same time deferring to states and localities on basic questions of finance and organization. In the language of representative federalism, two different aggregations of the same electoral consituency are expressing two different preferences on educational policy. The state or local constituency expresses its preference for decentralized control; the national constituency expresses it preference for attention to certain subjects and populations. Because these preferences are aggregated in different ways, they result in different policies based on different conceptions of national, state, and local interests in education. Citizens are behaving exactly as Hamilton predicted they would in Federalist #28: They are throwing their electoral weight first in one direction, then in another.

The fundamental doctrinal flaw in the "new federalism," then, is its easy equation of federalism with a very particular ideological view of political responsibility and economic efficiency. In fact, federalism is ideologically agnostic; it does not contain principles for deciding on the ends to which policy is to be directed, or for allocating functions to levels of government. Federalism "sets itself the enormously difficult task of inserting one

political society within another, in such a way that both retain their political character." (Vernon 1979: xxxv) It does so by dividing the same electoral constituency in two different ways, making both levels of government accountable to the "people," giving neither a claim to primary legitimacy, and allowing the precise determination of governmental functions to vary by the preferences of the two constituencies. That such a system results in ambiguity and disagreement over the proper scope of policy at different levels should hardly be surprising. It was designed for precisely that purpose. It was designed on "the belief that power is evil, that protection against it is only to be found in a notion of balance, of division, of reduction of power to smaller corporate units or to individuals." Federalism, in other words, is a means of "making order compatible with power's destruction; ... a means of reconciling as little government as possible with as much [governmental] autonomy as possible." (King 1973: 162, 155)

Federalism: The Functional View

From a functional standpoint, federalism is what decisionmakers at all levels of government do, not what they say ought to be done. Functional relations among levels of government arise out of the self-interested behavior of politicians and administrators, according to the functional view. The question is whether this self-interested behavior serves larger purposes or whether it simply results in "growth without purpose." (ACIR 1981a: 2)

Some commentators view the growth of functional relations among levels of government with increasing alarm. Before the 1930s they argue, the functions of federal and state government were relatively distinct, and local governments were regarded as creatures of the states. The period after the 1930s the argument continues, has seen the steady erosion of the distinctive roles of federal and state government and increasing federal intervention

directly in the affairs of local government. These changes have been accompanied by a movement from federal policy based on "relatively coherent notions of the government's role in addressing social and economic issues" to "modern federal goals of 'sharing' and 'cooperation'" which have resulted in "extraordinary interdependence and extreme fragmentation," leading to "the looming fear ... of unrestricted intergovernmentalism, [and] of governmental pragmatism out of control." (Ibid.: 1-2)

There is some support for this view in aggregate data on intergovernmental expenditures. Between 1929 and the present, federal domestic expenditures increased from 1.4 percent of of Gross National Product (GNP) to about 13 percent; in unadjusted dollars, they have more than doubled since 1974 alone. State government expenditures for all functions increased at a slower rate over the same period, from 1.6 percent of GNP to 5.3 percent. Local government expenditures increased from 5.9 percent of GNP to 7.7 percent. (ACIR 1981c: Table 2, p. 12) Between 1950 and 1980, federal grants-in-aid increased as a proportion of state and local expenditures from about 10 percent to just over 26 percent. (OMB 1982: Table H-6, p. 17) With this growth in federal expenditures came an increase in the number of categories of funding. By the late 1970s, there were at least 490 distinguishable domestic categorical programs, accounting for approximately 80 percent of federal grants-in-aid to state and local government. (Hale and Palley 1981: Table 5-2, p. 82; Table 6-2, p. 108)

In education, the growth of federal expenditures and categorical grants-in-aid was slower, but followed the same pattern. In 1929, federal revenues accounted for .4 percent of total revenues spent on education, while state revenues accounted for 17 percent, and local revenues accounted for about 83 percent. By 1949, those shares had shifted to about 3 percent federal, 40 percent state, and 57 percent local. Between 1963 and 1967, the federal

share doubled, from 4.4 percent to 8.8 percent, with the effects of ESEA, and it peaked in 1978 at 9.8 percent. By the mid-1970s, the state and local shares had become about equal, at around 45 percent. These relatively modest increases in the federal share were accompanied by relatively large increases in unadjusted dollar expenditures, from $7.3 million in 1929, to $486 million in 1957, to $900 million in 1964, to $2.8 billion in 1967, to $8.6 billion in 1978. (NCES 1982: Table 64, p. 74)

During the period of maximum growth in federal expenditures for education most new programs were categorical, in the sense that they targeted funds on specific kinds of curricula or children defined by certain attributes. By 1975, federal expenditures for elementary, secondary, and vocational education were being distributed through at least 78 separate categories. Education resisted consolidation attempts that affected other areas of federal policy in the mid-1970s, and by 1980 the number of categorical programs had declined only to 70. At the same time, social services, with a larger federal share, had 47 categorical programs, employment 23, transportation 36, and pollution control 23; only health care, with 78, had more than education. (Hale and Palley 1981: Table 5-2, p. 82)

In political terms, the enormous growth of federal grants-in-aid meant movement from a federal system in which "shifts of power or function between levels of government" were the central issue to one characterized by the "emergence of new arenas of influence among levels of government." (Beer 1978: 9, emph. added) The key constituents of the old regime were levels of government; those of the new regime were vertical networks of federal, state, and local professionals whose careers depended on federal grants and regulations. These vertical networks were connected to "issue networks" at the federal level, again composed of professionals, whose stock-in-trade was the

mobilization of expert knowledge to influence policy. (Heclo 1980) The "common discipline" of "similarly trained professionals" across levels of government, sharing strong economic and political incentives to maintain their vertical identification with federal policy, enabled them "to stand off the claims of rival disciplines and coordinating authorities" in state and local government. (Beer 1978: 18) The results of this shift were twofold: First, policymaking and implementation tended increasingly to be dominated by professionals who were experts in a narrow sub-specialty of intergovernmental relations, usually identified with a categorical federal program. Second, the distinctive missions of different levels of government were eroded by mutually beneficial functional relations among professionals across levels of government.

The political and economic incentives in this system of vertical networks have had a profound effect on federal policy, substantially weakening federal controls over expenditures and regulations. The beneficiaries of the federal grant-in-aid system are initially the units of government receiving the grants, and ultimately the individuals who receive the services or goods financed by the grants. The cost-bearers are taxpayers at large. Administrators and recipients, while they may disagree on many things, usually agree on the necessity for maintaining or increasing the grants that benefit them directly. In this sense, their interests are "concentrated." Taxpayers, on the other hand, don't experience increased grant expenditures as identifiable tax increments. In this sense, their interests are "diffuse." Once the precedent is established for categorical programs, administrators and clients have a stronger incentive to add programs and increase expenditures on existing ones than taxpayers have to resist incremental additions. Hence, the intergovernmental grant system tends to produce an ever-increasing volume of programs and expenditures, with scant regard for budgetary constraints or

cumulative effects on state and local administration. Similarly, the system tends, other things being equal, to produce an increasing volume of intergovernmental regulations, designed to assure that grants are properly administered, that they are targeted on the recipients for whom they are intended, and that lower levels of government follow the same procedures in decisions affecting clients. (Beer 1977; Chubb 1981; Thomas 1980; Wilson 1980)

The effect of these of self-reinforcing incentives on federal policy is what underlies current concern about "unrestricted intergovernmentalism" and "governmental pragmatism out of control." Critics fear that functional relations among professionals across levels of government will displace distinctions in authority between levels, creating a system at the mercy of special interest groups and immune to electoral control at any level of government. In fact, this fear is overstated. Functional relations among levels of government carry their own limiting mechanisms and serve purposes beyond those of the self-interest of professionals.

Government through grants-in-aid is inevitably "government by remote control" or "third party government." (Heclo 1980; Salamon 1981) In undertaking grant-in-aid programs, the federal government chooses, explicitly or inadvertently, to rely on other levels of government, or non-governmental organizations, to administer its policies. This devolution creates strong counter-incentives to those contained in the vertical networks spawned by categorical grants. Elected officials at all levels of government— presidents, congressmen, governors, state legislators, mayors, city council members, and school board members— see the erosion of their authority by vertical networks and assert a countervailing interest. Both the executive and legislative branches at the federal level exercise much closer scrutiny now over the proliferation of new categorical programs than they did a decade ago.

State executives and legislators are now involved, on a large scale, in reviewing the impact of federal grants on state budgets. More importantly, the "intergovernmental lobby"-- the National Governors Conference, the National Conference of Mayors, the National Conference of State Legislators, the National School Boards Association, etc.-- exercises an increasing influence on federal policy. The political strength of these "horizontal" or "topocratic" interests, which is largely due to their critical role in making the intergovernmental grant system work, explains the emergence in the mid-1970s of grant consolidation and revenue sharing proposals.

Seen in this light, political support for grant consolidation and revenue sharing are an equilibrating force, explained by the response of elected officials at all levels of government to the erosion of authority implicit in categorical grants. In 1981, the Reagan administration chose to negotiate only with the intergovernmental lobby, or not to negotiate at all, in an effort to break the influence of vertical networks on federal policy. The combination of expenditure controls and appeals to the political interests of the intergovernmental lobby that characterized the "new federalism" caught education interest groups off guard. Having resisted earlier attempts at consolidation, educators suddenly found themselves the recipients of a new block grant program— Chapter 2 of the Education Consolidation and Improvement Act (ECIA)— which consolidated 28 funded and 42 authorized categorical programs into a single program.

In other words, the self-interested behavior implicit in functional federalism works two ways, both to create vertical ties among professionals at different levels of government and to reinforce the authority of elected officials at the state and local level. The term "function" has two meanings in this context: first, it refers to the intergovernmental ties necessary to make federal policy work at state and local levels; second, it refers to the

authority of lower levels of government arising from their electoral base. In the first instance, we are interested in how well states and localities perform the "function" of seeing that national purposes are carried out in practice. In the second, we are interested in how well they perform the "function" of representing their electoral constituencies. Self-interest plays a role in both, so it is not especially useful to criticize past federal policy because it appeals to the self-interest of one group or another. The question is whether federal policy is sufficiently flexible to respond to both kinds of functions, and whether the self-interested behavior of professionals and elected officials is consistent with representative federalism.

But what of the argument that education is a "state function," protected against federal intrusion, if not explicitly by the Constitution, at least by the tradition of federal deference to state and local control? A close reading of history suggests that, contrary to conventional wisdom, education is neither a state or local function, nor a federal one, but a "national" one. The period from 1840 to 1900 was the most important one for the growth of public education in the United States. During this period public school enrollments more than tripled, total expenditures on public education increased from $7.6 million to $229 million in constant dollars, and the public share of expenditures on education grew from 47 percent to 79 percent. (Fishlow 1966: Tables 1 & 2, pp. 420 & 423) This was also the period during which the local organization of schooling passed from voluntarism and philanthropy through an intermediate phase of neighborhood decentralization to its current locally-centralized bureaucratic form. (Katz 1971: 325ff.; Tyack 1974) Out of this period came an educational system that was remarkably homogeneous, in curriculum content, grade structure, staff credentialling, financing, and governance. "The result of this activity was not thirty

different state systems, nor prodigious variations in local districts, but instead great uniformity." (Tyack and Hansot 1982: 20) In other words, a kind of national agreement began to emerge on the form and content of public schooling.

Yet this was a period of remarkably little formal policymaking, at least by present-day standards, and even less direct intervention from the federal and state levels in local decisions on curriculum content, finance, and organization. In 1890, the median size of state education agencies was two people. (Meyer, et al. 1979: 546) The U.S. Office of Education was a statistical agency, largely staffed by cast-offs from state agencies. How did such broad national agreement emerge without governmental intervention?

The answer appears to lie in "an institution-building social movement led by men and women who shared a similar ideology and interests and who helped to build a common-school system by persuading and mobilizing their fellow citizens, mostly at the local level." (Tyack and Hansot 1982: 19) It was a national movement that worked quite independently of federal and state policy. In its formative stages, the movement was calculatedly anti-government and anti-bureaucractic. "The polity ... was not to be consumated in a strong and bureaucratic state; rather it was to be located in individuals and in the exchange relations of a free society." (Meyer, et al. 1979: 599) Hence, the absence of reliance on central control. The cadre of professional reformers behind this movement, including Horace Mann and Henry Barnard, accepted this highly decentralized system and built their strategy around it. Imitating religious evangelists, they formed networks of local influentials who organized others in their communities. They initiated teachers institutes, they developed national professional associations, and published journals. (Tyack and Hansot 1982: 47-51) They occasionally entertained notions of centralizing governmental authority at the national level, but always returned to the

pragmatic strategy of working through national networks of reformers.

The single exception to the general pattern of national growth in public education during this period was the South. Southern states lagged well behind the rest of the country on all measure of educational adequacy: Illiteracy among whites was on the order of four times what it was in the North; a majority of all pupils were enrolled in private schools in the South decades after enrollment had shifted primarily to public schools in the North; per pupil expenditures in the South were on the order of one-half to one-third those in the North well into the twentieth century; the proportion of school-age children actually enrolled in school in the South lagged well behind the North; and, finally, literacy and school attendance rates among blacks in the South lagged well behind the North. (Tyack and Hansot 1982: 83-89: Meyer 1979: 594, 597)

This regional disparity prompted George Hoar's unsuccessful proposal in 1870 to "compel by national authority the stablishment of a thorough and efficient system of public instruction throughout the whole country." (ACIR 1981b: 14) It also led eventually to the formation of another cadre of professional reformers, the civil rights activists of the 1960s, whose agenda was startlingly similar to that of the earlier reformers, though their tactics were different in some respects. Without reviewing the history of the school desegregation movement, it is sufficient to observe that its effect on the South was almost identical to the effect that public school reformers had on the rest of the country a century earlier. It brought the public education system of southern states more closely into alignment with that of the rest of the country.

In the early twentieth century, as states assumed more and more responsibility for rationalizing finance, organization, and professional certifica-

tion, it became accepted doctrine to say that education was a "state function," and to assert that the federal interest in education, if it existed at all, was clearly subordinate to the primary role of the states. (See, e.g., Wirt 1976) The historical evidence suggests another intepretation: That public education came about as a result of a national movement; that it was seen by its instigators as a national enterprise; and that the division of responsibilities reflected in current policy followed from, rather than preceded, the growth of education as a national enterprise.

In functional terms, then, as well as doctrinal terms, it appears that the federal system is working as it was designed. The present ambiguous division of labor among levels of government in the field of education is a reflection of the fact that education is a national enterprise to which all levels of government have a claim. The combination of growing functional interdependence among levels of government and of growing reassertion of the representative function at state and local levels can hardly be called "growth without purpose." The growth of functional interdependence occurred because it was necessary in order to assure that federal purposes were carried out; the response of the intergovernmental lobby occurred because it was necessary in order to assure that the purposes of state and local government would be taken into account by the federal government. The fact that this equilibrating mechanism works with something less than perfect efficiency is reason for strategic concern, but it is not a sign that the federal system is failing in some fundamental sense.

Quite the contrary, functional interdependence and friction are precisely what one would expect from an effectively functioning federal system. In education, the federal government went about creating interdependencies with states and localities by introducing financial incentives, by creating differentiated program units within state and local educational agencies to imple-

ment federal objectives, and by generating rules and procedures requiring extensive consultation among federal, state, and local professionals. There are a number of ways these interdependencies can go awry: The financial incentives can be insufficient either to compensate for the incremental cost of implementing federal objectives or to have any lasting effect on state and local practice. Differentiated units within state and local agencies can create counter-productive divisions among staff, giving "regular staff the sense that the federal government [does] not trust them to do the job" and relieving them of the responsibility to attend to the needs of students targeted by federal policy. (Kaestle and Smith 1982: 26-27) Rules and procedures can displace professional judgement and administrative responsibility, creating incentives to regard compliance as more important than effectiveness. In addition, the more interaction that occurs among levels of government, the more opportunities policymakers and administrators have to observe the weaknesses of their counterparts at other levels. These negative by-products of federal involvement pose serious problems for educational policy, but they are not, by themselves, symptoms of a failing federal system. The failure occurs when elected representatives at the local, state, and federal level fail to adjust policy and exert control, as negative effects begin to surface. Adjusting policy may require substantial changes in categorical programs, organizational structures, regulations, and the incentives that accompany them. These changes may entail conflict among levels of government but they do not necessarily imply a reduction in the level of interdependence, as we shall see in a moment. A federal system without interdependence is one in which mutual influence is impossible, and hence not a "system" at all.

Federalism: The Strategic View

From a doctrinal standpoint, nothing in the language of the Constitution or the theory of federalism precludes federal involvement in education. Indeed, the history of federal involvement shows that no domain— finance, organization, pupil assignment, personnel, staff development, or curriculum— is immune from federal influence. From a functional standpoint, the growth of interdependence among levels of government, while it raises difficult political and administrative problems, is hardly evidence that the federal system is failing. Indeed, some level of interdependence is required in order for one level of government to influence another. If there are no inherent doctrinal or functional constraints on the range of subjects or the level of interdependence contained in federal policy, there would seem to be no limits at all to what the federal government can presume to do.

In fact, there are limits, but those limits are political and strategic, rather than doctrinal and functional. They are set by the political support that federal policymakers can muster for their objectives and by the resources they put behind those objectives. Cast in these terms, the federal role in education is both more than advocates of the "new federalism" suggest and less than advocates of past federal intervention have assumed.

The first and most basic limit on federal influence is the federal government's share of educational revenues. Federal funds have never accounted for more than 10 percent of the total and are not likely to vary from this level under any foreseeable set of political conditions. At current levels, a one percent increase in the federal share requires something like a $900 million increase in the federal contribution, or a corresponding decrease in state and local contributions with federal expenditures remaining constant.

(NCES 1982: Table 64, p. 74) Fiscal leverage, in other words, is expensive. In a period of fiscal retrenchment, declining school enrollments, and a declining proportion of the voting-age population with school-age children, the important strategic question for educational decisionmakers is education's share relative to other public expenditures, not the relative contribution of different levels of government.

From this fiscal limit on federal influence, all others follow. It means, for example, that the federal role in the delivery of education is marginal. Federal policy affects state and local decisions, if at all, by adding some increment of resources to the basic program for certain target groups, by adding staff with certain specialties to the regular complement of professionals, and by requiring that certain rules and procedures be followed over and above those normally observed in the daily administration of schools. Beyond these specific, marginal adjustments, which characterize all federal programs in some combination, the federal government can rely only on its moral authority to influence states and localities.

Federal policy succeeds— in the sense of producing outcomes consistent with politically-determined objectives— to the degree that the "regular" program succeeds and to the degree that the marginal adjustments added by federal policy work in tandem with the "regular" program rather than at cross-purposes with it. Playing a marginal role, in other words, puts the federal government in the position of depending heavily on others for its own success. (Elmore and McLaughlin 1982; Elmore 1982)

Furthermore, the marginal role invites an explicit or implicit benefit-cost calculation on the part of state and local administrators and policymakers. While the federal share of total expenditures in any given setting may be a small fraction of the total, this fraction is not an accurate measure of its utility to state and local actors. A more accurate measure of utility

is the added discretion bought by the marginal federal dollar. "Eighty to eighty-five percent of most local school budgets are in fixed costs, mostly salaries, while the federal share is mostly in that precious portion that is discretionary and is devoted to special services and program innovation." (Kaestle and Smith 1982: 32) In other words, the marginal federal dollar is valuable to state and local actors to the degree that it allows them to undertake, and assume credit for, activities that would not be possible under existing budgets. But in order for the marginal federal dollar to work effectively for federal objectives it must be accompanied by restrictions on its use, to assure that it does indeed purchase some incremental value. (Barro 1978; Vogel 1982) These restrictions carry a cost to state and local decisionmakers, in the form of added administration and reduced discretion. So the marginal value of federal dollars to state and local decisionmakers is "discounted" by the marginal cost of lost discretion. When the number of federal categorical programs increases, and the restrictions accompanying them multiply, with only modest increases in marginal federal support, the net value of federal support to states and localities declines. This was the risky strategic game federal education policymakers were playing in the 1970s. When policymakers in other areas were consolidating, those in education were holding steady against the declining net value of federal dollars.

Increased complexity of federal policy carries other costs to federal influence. The multiplication of restrictions and controls that accompanies the growth of categorical programs institutionalizes distrust between levels of government in the interest of promoting better education for certain segments of the population. Federal policy was couched, at least implicitly, in an accusatory rhetoric suggesting that federal intervention was necesary because of state and local neglect-- of racial, ethnic, and linguistic minori-

ties, of the educationally disadvantaged, of the handicapped. The growth of federal education policy "occurred in a system of designed skepticism about government," a "system intended to protect citizens from government by protecting governments from each other." (Cohen 1982: 19-20) The problem with institutionalized distrust is that it doesn't necessarily result in better results for the intended beneficiaries of federal policy; their interests are served by a careful orchestration of the federal government's marginal contribution with the "regular" program, not by institutionalized conflict between levels of government.

The growth of categorical programs in federal education policy, at first a rational response to limited federal leverage, begins to turn back upon itself and create negative incentives that undermine federal influence. Or, as Elliot Richardson put it, in the early stages of federal involvement "narrowly drawn categorical grants ... actually advance the targeted national interest," but past a certain point "the leverage exerted by a given program has almost completely dissipated: state and local administrators, having a bunch of carrots held out to them, are free to select those which feed the activities they would have undertaken without any special inducement." (Quoted in Hale and Palley 1981: 19) Federal influence depends on the ability of policymakers to find the margin where federal policy is likely to be most effective, to ration the use of federal resources to those purposes where they are most likely to have an effect, and to avoid engaging in activities that erode the base of services upon which marginal federal resources operate.

If federal policymakers have erred, their errors have been strategic: allowing the number of categorical programs to increase beyond the point where the value of any one is diminished by the weight of the total; allowing rules and restrictions to diminish the net value of additional resources to states and localities; allowing an adversarial relationship to develop between levels

of government that led to disconnections between marginal federal resources and the "regular" school program. The degree to which any of these things has actually happened is still a matter of empirical investigation. But the perception is strong that an increasing federal presence has led to a diminishing federal influence.

If the errors have been strategic, then the remedies must be strategic. They are likely to be found in a narrowing of federal purposes, a calculating and skeptical attitude toward the value of federal resources to the units of government receiving them, and a studious regard for the relationship between federally-initiated activities and the "regular" program. They are <u>not</u> likely to be found in shifts of doctrine or function.

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